

CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 C.F.R. §1.53(d))

CHECK BOX, if applicable

☐ DUPLICATE

Address to:
Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

Attorney Docket No. of
Prior Application

407T-895710US

First Named Inventor

Joe W. Gray

Examiner Name

Nancy Johnson

Group/Art Unit

1642

Express Mail Label No.:

EV148041302

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. §1.53(d),
(continued prosecution application (CPA)) of prior application No. 08/731,499,
filed on October 16, 1996, entitled GENES FROM THE 20Q13 AMPLICON AND THEIR USES.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. §1.53(d), but must be filed under 37 C.F.R. §1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. §1.78(a).

1. ☐ Enter the amendment previously filed on _____
under 37 C.F.R. §1.116 in the prior non provisional application.
2. ☒ A preliminary amendment is enclosed
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☒ Information Disclosure Statement (IDS) is enclosed:

| | | |
|--|------------|-----------|
| a. <input checked="" type="checkbox"/> PTO-1449 | 01 FC:1006 | 750.00 CH |
| | 02 FC:1201 | 84.00 CH |
| b. <input checked="" type="checkbox"/> Copies of IDS Citations | 03 FC:1202 | 378.00 CH |

| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--------|---|------------------|------------------|--------------------------------|-------------------|
| | TOTAL CLAIMS (37 C.F.R. §1.16(c) or (j)) | 41-20* = | 21 | x \$18 = | \$ 378.00 |
| | INDEPENDENT CLAIMS (37 c.f.r. §1.16(B) OR (I)) | 4-3** = | 1 | x \$84 = | \$ 84.00 |
| | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d)) | | | + \$ = | \$ |
| | | | | BASIC FEE (37 C.F.R. §1.16) | \$ 750.00 |
| | Total of above Calculations = | | | | \$1212.00 |
| | Reduction by 50% for filing by small entity (Note 37 C.F.R. §1.9, 1.27 & 1.28). | | | | |
| | * Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent. | | | | TOTAL = \$1212.00 |

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **50-0893**:

- a. ☒ Fees required under 37 C.F.R. §1.16.
- b. ☒ Fees required under 37 C.F.R. §1.17.
- c. ☒ Fees required under 37 C.F.R. §1.18.

8. ☐ A check in the amount of \$ _____ is enclosed.

9. ☐ New Attorney Docket Number, if desired _____
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

10. a. ☐ Receipt for Facsimile Transmitted CPA (PTO/SB/29A)

b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

11. ☐ Other: _____

NOTE:

The prior applications correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



22798

PATENT TRADEMARK OFFICE

or ☐ New correspondence address below

Name

Address

City

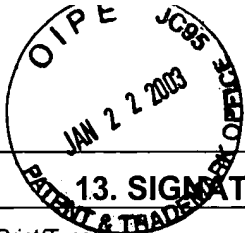
State

Zip Code

Country

Telephone

Fax



| 13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED | |
|---|----------------------------|
| Name (Print/Type) | Jonathan Alan Quine |
| Signature | <i>Jonathan Alan Quine</i> |
| Registration No. (Attorney/Agent) | 41,261 |
| Date | January 22, 2003 |

| CERTIFICATE OF EXPRESS MAILING under 37 CFR 1.10 | |
|--|---|
| Express Mail Label No: EV148041302US | Date of Deposit January 22, 2003 |
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231. | |
| Signature <i>Evelyn Gomez</i> | Evelyn Gomez |
| Typed Name of Person Mailing Paper or Fee | |

| CERTIFICATE OF TRANSMISSION | | | |
|---|--|-------------------|--|
| I hereby certify that this correspondence is being facsimile transmitted to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: _____ | | Examiner: | |
| | | Tech Center: | |
| | | Facsimile Number: | |
| Typed or printed name | | | |
| Signature | | Date | |

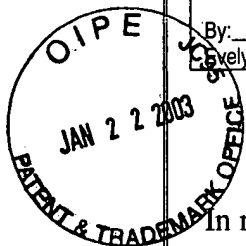
I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail EV 148041302 US in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 22, 2003
Quine Intellectual Property Law Group, P.C.

By: 

Evelyn Gomez

Attorney Docket No: 407T-895710US

Client Ref: 97-052-1



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joe W. Gray

Examiner: Nancy Johnson

Application No.: 08/731,499

Art Unit: 1642

Filed: October 16, 1996

For: GENES FROM THE 20Q13
AMPLICON AND THEIR USES

**CPA Preliminary Amendment and
accompanying Remarks**

431A
KP
1-81 C

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated January 2, 2002 and the Notice of Appeal dated July 2, 2002, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks and CPA transmittal. The following documents are enclosed herewith:

- 1) CPA transmittal;
- 2) Courtesy copy of the pending claims;
- 3) Marked copy of page 9 of the specification;
- 4) A petition to extend the period of response for five months, extending the period for response through the present date;
- 5) Supplemental Information Disclosure Statement;
- 6) PTO Form 1449;
- 7) 1 publication; and
- 8) Receipt acknowledgement postcard.